

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:15-cr-00110-MR-DLH

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) O R D E R
)
)
DINA R. GARFINKEL,)
)
Defendant.)
)

THIS MATTER is before the Court upon the Defendant's Request for Review of United States Magistrate Judge's Order and Request for Amendment of Conditions of Release [Doc. 11] and the Government's Motion for Show Cause Hearing [Doc. 15].

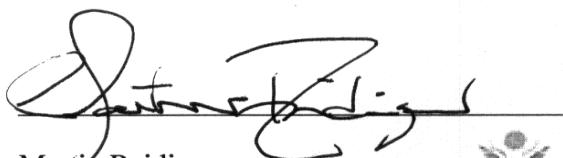
On January 19, 2016, the Defendant filed a motion requesting this Court to review the Magistrate Judge's Order entered on January 6, 2016, and to amend certain conditions of pretrial release set forth therein. [Doc. 11]. While that motion was pending, the Government filed a motion seeking the entry of an Order directing the Defendant to show cause why her pretrial release should not be revoked in light of new information regarding alleged criminal activity recently committed by the Defendant. [Doc. 15].

Under 18 U.S.C. § 3142, a detention “hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue [of] whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(f)(2). In light of the allegations of new criminal activity as set forth in the Government’s motion, the Court will remand this matter to the Magistrate Judge pursuant to § 3142(f) for reconsideration of the Defendant’s release.

IT IS, THEREFORE, ORDERED that the Defendant’s Request for Review of United States Magistrate Judge’s Order and Request for Amendment of Conditions of Release [Doc. 11] are **DENIED WITHOUT PREJUDICE**, and this matter is remanded to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Signed: February 25, 2016



Martin Reidinger
United States District Judge

